

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:05-cv-00329-GKF-PJC
)	
TYSON FOODS, INC., <i>et al.</i>)	
)	
Defendants.)	

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTIONS IN
LIMINE PERTAINING TO ALTERNATE SOURCES OF PHOSPHORUS AND
BACTERIA TO THE IRW [Dkt. No. 2436] AND BACTERIAL OR PHOSPHORUS
LEVELS IN OTHER WATERSHEDS [Dkt. No. 2411]**

EXHIBIT 4
Roger Olsen Deposition Excerpts

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

) 4:05-CV-00329-TCK-SAJ
)
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VOLUME I OF THE VIDEOTAPED
DEPOSITION OF ROGER OLSEN, PhD, produced as a
witness on behalf of the Defendants in the above
styled and numbered cause, taken on the 10th day of
September, 2008, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

A P P E A R A N C E S

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1 VIDEOGRAPHER: Thank you. The witness may
2 be sworn in.

3 ROGER OLSEN, PhD
4 having first been duly sworn to testify the truth,
5 the whole truth and nothing but the truth, testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. GEORGE:

9 Q Dr. Olsen, it's good to see you again. Are
10 you still employed with Camp, Dresser & McKee? 09:03AM

11 A Yes.

12 Q During your deposition in January of this year
13 you testified that the South Carolina law firm of
14 Motley Rice was paying for CDM's work in this case.
15 Is that still true? 09:04AM

16 A That's correct.

17 Q Has Attorney General Drew Edmondson or the
18 Oklahoma Secretary of the Environment paid CDM for
19 any work that it's performed in this case?

20 A No. 09:04AM

21 Q Has the State of Oklahoma paid CDM for any
22 work that it's performed in this case?

23 A No.

24 Q How much has CDM been paid to date, if you
25 could estimate for me, for its work in this case, 09:04AM

1 A I think I previously testified on that, too,
2 and it was over a hundred. Again, I'd have to check
3 my previous testimony on that and that includes, you
4 know, secretaries and people that put in a little
5 bit of time and things like that. That's why that 09:58AM
6 number is so big.

7 Q Doctor -- I'm sorry, are you done?

8 A Yeah. Sorry about that.

9 Q I didn't mean to cut you off. Can you please
10 identify for me, Dr. Olsen, and for the jury the 09:59AM
11 specific locations where you have found
12 contamination of either groundwater or surface water
13 that you have specifically traced back to land
14 application of poultry litter generated on farms
15 under contract with my clients, Cobb-Vantress and 09:59AM
16 Tyson?

17 A Yes. We have eleven, and if you count Cobb,
18 there's twelve actual edge of field samples that
19 had -- at the edge of fields that had -- again,
20 that's runoff from fields at edge of field. Those 09:59AM
21 samples were specifically collected runoff from
22 Tyson-applied fields.

23 Q Okay. Let me broaden my question or actually
24 let me narrow it, if I can. Can you identify for
25 the jury the specific locations where you found 10:00AM

1 contamination of groundwater or streams or rivers
2 that you have specifically traced back to the land
3 application of poultry litter generated on farms
4 under contract with my clients, Cobb-Vantress or
5 Tyson? 10:00AM

6 MR. PAGE: Object to the form.

7 A Would you state that again, please?

8 MR. GEORGE: Why don't we have it read
9 back.

10 (Whereupon, the court reporter read 10:00AM
11 back the previous question.)

12 MR. PAGE: Same objection.

13 A Again, consistent with previous testimony,
14 when you asked that question before, I've not done
15 that and not been asked to do that. 10:00AM

16 Q Okay. So do I understand, Dr. Olsen, that
17 none of your opinions regarding the source of
18 contamination of specific locations of groundwater,
19 stream water or lake water are specific to my
20 clients, Cobb-Vantress or Tyson? 10:01AM

21 A That's right, but --

22 Q And, Dr. Olsen, if I asked the same two last
23 questions for each of the defendants that are named
24 in this lawsuit, would your answers be the same?

25 A That's right. 10:01AM